

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESSICA N. CHILDERS,

Defendant.

Case No. 11-cr-40067-JPG

JESSICA N. CHILDERS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. 12-cv-648-JPG

JESSICA N. CHILDERS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. 13-cv-709-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on Jessica N. Childers' motions as follows: (1) *United States v. Childers*, Case Number 11-cr-40067-JPG: motions for status (Doc. 88) and downward departure (Doc. 89); (2) *Childers v. United States*, Case Number 12-cv-648-JPG:

motion for status (Doc. 27); and (3) *Childers v. United States*, Case Number 13-cv-709-JPG: motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 (Doc. 1).

In *Childers v. United States*, Case Number 13-cv-709-JPG, Childers filed a motion pursuant to 28 U.S.C. § 2255. Previously, Childers filed another § 2255 motion which this Court denied and declined to issue a certificate of appealability. *See Childers v. United States*, Case Number 12-cv-648-JPG, Doc. 13. The Seventh Circuit Court of Appeals subsequently declined Childers' request for a certificate of appealability in that case. *See id.*, Doc. 28. In order for the Court to consider a successive § 2255 motion, the Seventh Circuit Court of Appeals must certify the motion pursuant to 28 U.S.C. § 2255, ¶ 8. *Nunez v. United States*, 96 F.3d 990, 991 (7th Cir. 1996). It has not done so. Therefore, the Court does not have jurisdiction to entertain the pending § 2255 motion. Accordingly, the Court hereby dismisses *Childers v. United States*, Case Number 13-cv-709-JPG, for lack of jurisdiction and directs the Clerk of Court to enter judgment accordingly.

In *United States v. Childers*, Case Number 11-cr-40067-JPG, the Court denies Childers' motions for status (Doc. 88) as moot and her motion for downward departure for the reasons fully set forth in this Court's July 9, 2013, order (Doc. 85) in which the Court denied a separate motion for downward departure. The Court further denies Childers' motion for status (Doc. 27) in *Childers v. United States*, Case Number 12-cv-648-JPG, as moot.

Finally, the Court is troubled by Childers' practice of filing repetitive frivolous motions. Subsequent to Childers' sentencing and entry of judgment on January 18, 2012, in *United States v. Childers*, Case Number 11-cr-40067, Childers has bombarded this Court with letters and meritless filings seeking modification of her sentence. In her criminal case alone, Childers has filed the following *pro se* motions: motion to suspend restitution (Doc. 65), motion to defer restitution (Doc. 81), motion to modify sentence (Doc. 84), and motion for downward departure

(Doc. 89). Childers has further filed two meritless § 2255 motions. *See Childers v. United States*, Case Numbers 12-cv-648-JPG and 13-cv-709-JPG. Additionally, the Court is in receipt of numerous letters from Childers concerning her various cases. Childers' conduct has imposed unnecessary costs on this Court and detracted the Court's attention from meritorious filings. Courts possess an inherent power to impose sanctions for the repetitive filing of frivolous motions. *See United States v. Robinson*, 251 F.3d 594, 596 (7th Cir. 2001). By this order, the Court warns Childers that the Court may impose sanctions if she continues to file frivolous motions, either in her criminal case or through § 2255 motions.

In conclusion, the Court:

- **DISMISSES** *Childers v. United States*, Case Number 13-cv-709-JPG, for lack of jurisdiction and **DIRECTS** the Clerk of Court to enter judgment accordingly;
- **DENIES** the motion for status (Doc. 88) in *United States v. Childers*, Case Number 11-cr-40067-JPG, **as moot**;
- **DENIES** the motion for downward departure (Doc. 89) in *United States v. Childers*, Case Number 11-cr-40067-JPG;
- **DENIES** the motion for status (Doc. 27) in *Childers v. United States*, Case Number 12-cv-648-JPG, **as moot**; and
- **WARNS** Childers that she risks the imposition of sanctions, monetary or otherwise, if she continues to file frivolous motions.

IT IS SO ORDERED.

DATED: September 9, 2013

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE